

**REMARKS**

At the outset, the Applicant thanks the Examiner for the thorough review and consideration of the pending application. The Office Action dated September 20, 2006 has been received and its contents carefully reviewed. Claims 1-9 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

The Office Action rejected claims 1-9 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,842,929 to *Kim et al.* (hereinafter “*Kim*”). The Applicant respectfully traverses this rejection.

As required in Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. §102, “the reference must teach every element of the claim.” The Applicant respectfully submits that *Kim* does not teach every element recited in claims 1-9 and therefore cannot anticipate these claims. More specifically, claim 1 recites a washing machine control method which includes “calculating a water level reduction rate based on the set first water level and the sensed second water level,” “determining a water re-supply amount by comparing the calculated water level reduction rate to a predetermined value,” and “completing the user-selected wash course after re-supplying water to the washing machine according to the water re-supply amount.” Claim 9 recites a washing machine control method which includes “calculating a water level reduction rate by comparing the first water level and the second water level over time,” “determining a water re-supply amount by comparing the calculated water level reduction rate to a predetermined value,” and “completing the wash cycle after re-supplying water to the washing machine based on the water re-supply amount.” *Kim* fails to disclose these features.

The Office Action alleges that *Kim* discloses “a method as claimed.” Columns 2-7 are relied upon to teach these limitations. See page 2 of the Office Action. The Applicant respectfully disagrees.

As correctly pointed out in the Office Action, *Kim* does not disclose a water reduction rate. In the absence of a direct teaching, the Office Action alleges that since *Kim* teaches measuring the number of times water is refilled in the drum and the time that has elapsed between the end of the initial water supply step and the re-supply steps, *Kim* therefore teaches a “water reduction rate.” The Applicant respectfully disagrees.

The term “rate” has a plain and ordinary meaning to one skilled in the art. A rate is a ratio between two variables. The specification of the present application clearly defines “water level reduction rate” as the change in water level (L1 and L2) relative to a change in time. See, e.g. page 6, paragraph [0021].

While *Kim* may measure the number of times water is refilled in the drum, counting the number of re-supply steps is not a “rate.” While *Kim* measures the time that has elapsed between the end of the initial water supply step and the re-supply steps this is not a “rate.” *Kim* does not relate the number of times water is refilled with the time between initial water supply and re-supply. Therefore, there is no way one can interpret either or both of these measurements in *Kim* as a rate, and in particular “a water level reduction rate.”

Even if measuring the number of times water is refilled in the drum and the time that has elapsed between the end of the initial water supply step and the re-supply step could be construed as a rate, *Kim* still does not teach a “water level reduction rate” as expressly required by claims 1 and 9. The word “reduction” means to lessen or reduce. Therefore, “water level reduction rate” is a rate at which water is reduced. Counting the number of times water is re-supplied, as disclosed in *Kim* involves re-supplying water. The word “re-supplying” means adding or increasing. It does not mean reducing or lessening. Therefore, there is no reasonable way one can possibly construe counting re-supplying steps to involve water reduction or more specifically a “water reduction rate.”

Furthermore, since *Kim* does not disclose a water level reduction rate, *Kim* cannot possibly disclose “determining a water re-supply amount by comparing the calculated water level reduction rate to a predetermined value” and “completing the user-selected wash course after re-supplying water to the washing machine according to the water re-supply amount,” as required by claim 1 and claim 9.

The Office Action further states that “the calculations of *Kim et al* serve the same purpose-to determine rate of water absorption in the laundry and determine washing settings based on the obtained data.” This is irrelevant. As shown above, *Kim* does not disclose the same method as set forth in the claims. Even if *Kim* and the claimed invention achieve the same final purpose, the methods of achieving the purpose are patentably distinct.

For at least the aforementioned reasons, the Applicant respectfully submits that claims 1 and 9 are patentably distinguishable over *Kim*, and requests that the rejection be withdrawn. Likewise, claims 2-8, which depend from claim 1 are also patentable for at least the same reasons.

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: March 12, 2007

Respectfully submitted,

By Mark R. Kresloff (Reg. No. 46,522)  
for **Mark R. Kresloff**

Registration No.: 42,766  
McKENNA LONG & ALDRIDGE LLP  
1900 K Street, N.W.  
Washington, DC 20006  
(202) 496-7500  
Attorneys for Applicant

Attachments